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COMCAST OF CALIFORNIA/COLORADO/WASHINGTON I, INC.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW JOHNSON, On Behalf Of Himself  
And All Others Similarly Situated,

Plaintiff,

vs.

COMCAST OF CALIFORNIA/  
COLORADO/WASHINGTON I, INC.

Defendant.

CIVIL ACTION NO. 3:10-CV-04147 JSW

**JOINT STATUS UPDATE OF RELATED  
STATE COURT LITIGATION**

Courtroom: 11 – 19<sup>th</sup> Floor  
Judge: Jeffrey S. White

Pursuant to this Court's January 6, 2011 Order granting Defendant Comcast of California/Colorado/Washington I, Inc.'s ("Comcast" or "Defendant") Motion to Stay, Plaintiff Matthew Johnson ("Plaintiff") and Comcast hereby submit the following Joint Status Update Regarding the Related State Court Litigation, which is based upon the representations of Defendant regarding the state court proceedings.

### **STATUS OF STATE COURT LITIGATION**

The matter of *Fayerweather v. Comcast Corporation and Comcast of Contra Costa, Inc.* is still currently pending in the Superior Court of California in and for Contra Costa County as Case No. C-08-01470. The opt-out period for the class ended on June 27, 2011. At the last case management conference on November 17, 2011, the *Fayerweather* Court issued an order to show cause why decertification should not be granted (the "Order to Show Cause"). The briefing schedule on the Order to Show Cause was triggered by the April 12, 2012 publication of the California Supreme Court's opinion in the seminal case, *Brinker Restaurant Corp. v. Superior Court*. The parties completed briefing on the Order to Show Cause as of September 17, 2012. On December 17, 2012, the *Fayerweather* Court issued an order decertifying the class. A copy of the Court's decertification order is attached hereto as Exhibit A. As the case was decertified, Plaintiff Gabriel Fayerweather is now only pursuing his claims individually against Comcast.

On February 8, 2013, Plaintiff Gabriel Fayerweather filed a Notice of Appeal in Contra Costa Superior Court, appealing the decertification order. No appellate briefing schedule has been set.

Dated: February 14, 2013

SHEPHERD, FINKELMAN, MILLER &  
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/s/

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27 Dated: February 14, 2013

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**ATTESTATION PURSUANT TO LOCAL RULE**

I, Jennifer M. Martinez, am the ECF User whose identification and password are being used to file the Joint Status Update of Related State Court Litigation. In compliance with local rule, I hereby attest that each of the signatories above has concurred in this filing.

Dated: February 14, 2013

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/

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